

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARK ARDIRE)	CASE NO. 1:09CV656
)	
Plaintiff,)	JUDGE ALDRICH
)	
vs.)	<u>POSITION STATEMENT REGARDING</u>
)	<u>AGENDA FOR CASE MANAGEMENT</u>
JPMORGAN CHASE & CO.)	<u>CONFERENCE</u>
)	
)	
Defendant.)	

<u>Defendant</u>	<u>Chase Bank USA, N.A. (improperly named</u>
	<u>as JPMorgan Chase & Co.)</u>
(Plaintiff/Defendant)	(Party Name)

Pursuant to Local Rule 16.3(b), the above party hereby submits the following statement of its position regarding the agenda for the Case Management Conference to be held on July 27, 2009.

- This case should be assigned to the following track:

<input type="checkbox"/> Expedited	<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Administrative
<input type="checkbox"/> Complex	<input type="checkbox"/> Mass Tort	
- This case ☒ is/ ☐ is not suitable for one or more of the following Alternative Dispute Resolution ("ADR") mechanisms:

<input checked="" type="checkbox"/> Mediation	<input type="checkbox"/> Arbitration	<input type="checkbox"/> Early Neutral Evaluation
<input type="checkbox"/> Summary Bench Trial	<input type="checkbox"/> Summary Jury Trial	
- The above party ☐ does/ ☒ does not consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- The above party will voluntarily disclose the following discovery information at or before the conference:

Defendant will disclose discovery information as required by Federal Rule of Civil Procedure 26(a). Defendant seeks leave of Court to make such disclosures within fourteen (14) days of the Case Management Conference.

5. The above party requests that discovery of the following type and extent be allowed in this case:

Plaintiff's claims are directly only against WaMu, and not against Chase. If necessary, Chase will seek discovery regarding the Discover credit card account, WaMu visa credit card account, any alleged transfers made, and the alleged \$1,500 dollars held by Discover. Chase anticipates filing an early dispositive motion pursuant to Federal Rule of Civil Procedure 12(c) and/or 56(b).

6. The above party requests that the following dates be set:

- | | | |
|----|--|--------------------------|
| a. | Discovery cutoff: | <u>October 27, 2009</u> |
| b. | Dispositive motion cutoff: | <u>November 27, 2009</u> |
| c. | Deadline for adding new parties, claims or counterclaims: | <u>August 27, 2009</u> |
| d. | Deadline for filing status report regarding settlement efforts (one week after discovery cutoff) : | <u>November 3, 2009</u> |
| e. | Deadline for proposed voir dire, proposed jury instructions, trial briefs and witness lists (two weeks prior to trial date) : | <u>TBD</u> |
| f. | Back-up trial date: | <u>TBD</u> |

s/Jill R. Yutzy
David D. Yeagley (0042433)
Jill R. Yutzy (0084089)
ULMER & BERNE LLP
1660 West 2nd Street, Suite 1100
Cleveland, Ohio 44113
Tel.: (216) 583-7000
Fax: (216) 583-7001
dyeagley@ulmer.com
jyutzy@ulmer.com

Attorneys for Defendant
Chase Bank and David Peters

Date: July 23, 2009

CERTIFICATE OF SERVICE

I certify that on July 23, 2009, I filed the foregoing electronically. All parties will receive notice of this filing through the Court's electronic filing system and may access the filing through the Court's system. The following was served via first class mail postage prepaid at the following address:

Mark Ardire
925 Bassett Road
Suite A – Back
Westlake, Ohio 44145

Plaintiff

s/Jill R. Yutzy

Jill R. Yutzy (0084089)